ML.18 05.10.2026
NB Ct. 758

WPA 26799 of 2024
CAN 1 of 2025

Kartickchandra Bairagya & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Rudraman Bhattacharya, Sr.Adv.,
Mr. Sarban Bhattacharya.
….for the State.

The writ petitioners remain unrepresented even on the second call.

Learned advocate appearing for the State has drawn the attention to the previous orders of the Court and informed that the petitioner has not been appearing in the matter for some time.

Be that as it may, the writ petition has taken up for consideration.

The instant writ petition was filed, inter alia, praying for writ in the nature of mandamus for a direction upon the police authorities to ensure that the petitioners are not ousted from their peaceful possession of their property.

By an order of this Court, the State was called upon to file a status report.

It appears from the records that the status report dated 12.12.2024 was duly filed.

From the report it appears that on 10.12.2024, the three writ petitioners lodged a complaint with the Bhatar Police Station informing that since last 40-50 years, they have been running a shop at Radhamoni Romkamalar Chak building at Balgona station Bazar under Bhatar P.S. They used to give

monthly rent to the owner of the building namely Madan Mohan Chowdhury.

After his death, his sons Pratap Chand Chowdhury and Abhay Chand Chowdhury, respondent nos.4 and 5 herein used to receive the monthly rents. They later on came to learn that the owner of the building wanted to construct a market complex by demolishing the old structure and as such wanted the petitioners to make it the said shop.

It is alleged that on 7.11.2024 at 7.30hrs, suddenly the aforesaid two owners demolished the shop by using JCB and took away all the materials of the shop. When they were asked to return the materials, they threatened the tenants with dire consequences. On basis of the aforesaid allegations, Bhatar PS Case No.549/2024 dated 10.12.2024 was registered for investigation into the offences punishable under Sections 303(2)/324(4)/351(2)/3(5) BNS. When the report dated 12th December, 2024 was filed, the investigation of the case was going on.

Today upon enquiry of the Court, the learned advocate representing the State has informed the Court that the investigation of the said case has culminated into submission of a charge sheet on 30th January, 2025, being CS No.30 of 2025.

In view of the fact that the petitioners have admittedly lost possession of the property in question, no orders for protection for such possession can be passed.

However, so far as the criminal case is concerned, the investigation has already culminated into a charge sheet filed before the jurisdictional Magistrate.

In such view of the matter, WPA 26799 of 2024 and CAN 1 of 2025 are disposed of without any further orders.

The petitioners herein shall be at liberty to redress their further grievances, if any, with regard to the investigation of the case before the Magistrate Court in accordance with law.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Anuj Singh, J.)